

REMARKS

Indefiniteness rejection

Claims 1-5 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness regarding the recitation of Cu-enriched particles optionally containing Sn and/or In. Those elements were not actively recited as alloying constituents in the original claims. Claims 1, 2 and 4 have been amended to delete the term "optionally" in the chemical composition, thereby specifically requiring at least one of Sn and In and specifying that the resultant structure of Cu-enriched particles includes a concentration of Sn and/or In not less than 10 mass %. In view of the amendments to claims 1, 2 and 4, withdrawal of the indefiniteness rejection is respectfully requested.

Prior art rejections

Claims 1, 3 and 4 stand rejected under 35 U.S.C. §102(b) for anticipation by JP 2000-8145. Claims 1-5 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 5,861,068 to Hasegawa et al. Applicants respectfully traverse these rejections in view of the amendments to claims 1, 2 and 4 and for the following reasons.

The present invention is directed to ferritic and martensitic stainless steels having superior machinability. Copper enriched particles are distributed in the steel matrix and include alloying constituents of Sn and/or In. These two elements lower the melting point of the Cu-enriched particles, thereby resulting in improved machinability as detailed at page 7, lines 1-13 of the present application.


Neither of the cited references teach or suggest including Sn and/or In in a stainless steel for improving machinability, nor is there any teaching or suggestion to concentrate Sn and/or In at not less than 10 mass % in Cu-enriched particles in a stainless steel. None of the alloys disclosed in JP '145 or the Hasegawa patent include either elements of In or Sn. Accordingly, claims 1-5 which require these elements (alone or together) and which require that these elements are present in Cu-enriched particles in an amount not less than 10 mass % define over the cited references.

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In view of the amendments to claims 1, 2 and 4 and for the forgoing reasons, claims 1-5 are believed to define over the prior art of record and be in condition for allowance.

Respectfully submitted,

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